Application Serial No. 10/568,572 (Attorney Docket No. 453-US-PCT) Amendment accompanying the RCE filed herewith Dated: February 16, 2010 Page 3 of 15

## Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

## **Listing of the Claims:**

Claims 1-46 (Cancelled)

47. (Currently amended) A crystalline <u>hydrogen</u> succinate salt-or a crystalline malonate salt of the compound of formula (I):

**(I)** 

48-49. (Cancelled).

- 50. (Currently amended) The crystalline hydrogen succinate salt of claim <u>47</u>[[48]], wherein the salt comprises an alpha crystal form characterized by one or more of:
  - a. an X-Ray powder diffractogram obtained using CuK<sub>α1</sub> radiation (λ=1.5406 Å) that has main peaks at the following 20-angles: 9.36; 10.23; 11.81; 13.45; 16.21; 16.57; 17.49; 18.89; 19.20; 19.63; 20.01; 20.30; 21.15; 21.53; 21.93; 22.34; 24.37; 25.34; 27.27; and 29.65;
  - b. an X-Ray powder diffractogram as shown in Figure 1; and

Application Serial No. 10/568,572 (Attorney Docket No. 453-US-PCT)

Amendment accompanying the RCE filed herewith

Dated: February 16, 2010

Page 4 of 15

c. a Differential Scanning Calorimetry (DSC) trace that shows an endotherm with an

onset temperature from 139-141 °C.

51-57. (Cancelled).

58. (Currently amended) A pharmaceutical composition comprising the crystalline <u>hydrogen</u>

succinate salt or the crystalline malonate salt of claim 47 and at least one pharmaceutically

acceptable carrier, filler or diluent.

59 (Currently amended) A method of treating a subject suffering from a disease or disorder

comprising administering to the subject a therapeutically effective amount of the crystalline

hydrogen succinate salt or the crystalline malonate salt of claim 47, wherein the disease or

disorder is selected from the group consisting of an anxiety disorder, depression,

schizophrenia, Schizophreniform Disorder, Schizoaffective Disorder, Delusional Disorder,

Brief Psychotic Disorder, Shared Psychotic Disorder and mania in bipolar disorder.

60. (Cancelled).

61. (Currently amended) The method of claim 59, wherein the disease or disorder is

schizophrenia, Schizophreniform Disorder, Schizoaffective Disorder, Delusional Disorder,

Brief Psychotic Disorder, Shared Psychotic Disorder or mania in bipolar disorder.

62. (Previously presented) The method of claim 61, wherein the schizophrenia comprises

positive symptoms, negative symptoms, depressive symptoms, or a combination thereof.

63. (Previously presented) The method of claim 59, wherein the disease or disorder is selected

from the group consisting of Schizophreniform Disorder, Schizoaffective Disorder,

Delusional Disorder, Brief Psychotic Disorder, Shared Psychotic Disorder and mania in

bipolar disorder.

64. (Cancelled).

Application Serial No. 10/568,572 (Attorney Docket No. 453-US-PCT) Amendment accompanying the RCE filed herewith Dated: February 16, 2010

Page 5 of 15

- 65. (New) The crystalline hydrogen succinate salt of claim 47, wherein the salt comprises a beta crystal form characterized by one or more of:
  - a. an X-Ray powder diffractogram obtained using  $CuK_{\alpha 1}$  radiation ( $\lambda$ =1.5406 Å) that has main peaks at the following 20-angles: 8.1; 10.5; 11.4; 14.0; 14.6; 15.6; 15.7; 16.2; 17.2; 17.5; 17.9; 18.4; 18.9; 19.2; 20.3; 21.0; 21.9; 22.5; 23.3; and 26.3;
  - b. an X-Ray powder diffractogram as shown in Figure 2; and
  - a Differential Scanning Calorimetry (DSC) trace that shows an endotherm with an onset temperature from 135-138 °C.
- 66. (New) The pharmaceutical composition of claim 58, wherein the salt comprises an alpha crystal form characterized by one or more of:
  - a. an X-Ray powder diffractogram obtained using  $CuK_{\alpha 1}$  radiation ( $\lambda$ =1.5406 Å) that has main peaks at the following 20-angles: 9.36; 10.23; 11.81; 13.45; 16.21; 16.57; 17.49; 18.89; 19.20; 19.63; 20.01; 20.30; 21.15; 21.53; 21.93; 22.34; 24.37; 25.34; 27.27; and 29.65;
  - b. an X-Ray powder diffractogram as shown in Figure 1; and
  - a Differential Scanning Calorimetry (DSC) trace that shows an endotherm with an onset temperature from 139-141 °C.
- 67. (New) The pharmaceutical composition of claim 58, wherein the salt comprises a beta crystal form characterized by one or more of:
  - a. an X-Ray powder diffractogram obtained using  $CuK_{\alpha 1}$  radiation ( $\lambda$ =1.5406 Å) that has main peaks at the following 20-angles: 8.1; 10.5; 11.4; 14.0; 14.6; 15.6; 15.7; 16.2; 17.2; 17.5; 17.9; 18.4; 18.9; 19.2; 20.3; 21.0; 21.9; 22.5; 23.3; and 26.3;
  - b. an X-Ray powder diffractogram as shown in Figure 2; and
  - c. a Differential Scanning Calorimetry (DSC) trace that shows an endotherm with an onset temperature from 135-138 °C.

Application Serial No. 10/568,572 (Attorney Docket No. 453-US-PCT) Amendment accompanying the RCE filed herewith Dated: February 16, 2010 Page 6 of 15

- 68 (New) The method of claim 59, wherein the salt comprises an alpha crystal form characterized by one or more of:
  - a. an X-Ray powder diffractogram obtained using  $CuK_{\alpha 1}$  radiation ( $\lambda$ =1.5406 Å) that has main peaks at the following 20-angles: 9.36; 10.23; 11.81; 13.45; 16.21; 16.57; 17.49; 18.89; 19.20; 19.63; 20.01; 20.30; 21.15; 21.53; 21.93; 22.34; 24.37; 25.34; 27.27; and 29.65;
  - b. an X-Ray powder diffractogram as shown in Figure 1, and
  - Differential Scanning Calorimetry (DSC) trace that shows an endotherm with an onset temperature from 139-141 °C.
- 69. (New) The method of claim 59, wherein the salt comprises a beta crystal form characterized by one or more of:
  - a. an X-Ray powder diffractogram obtained using  $CuK_{\alpha 1}$  radiation ( $\lambda$ =1.5406 Å) that has main peaks at the following 20-angles: 8.1; 10.5; 11.4; 14.0; 14.6; 15.6; 15.7; 16.2; 17.2; 17.5; 17.9; 18.4; 18.9; 19.2; 20.3; 21.0; 21.9; 22.5; 23.3; and 26.3;
  - b. an X-Ray powder diffractogram as shown in Figure 2; and
  - c. a Differential Scanning Calorimetry (DSC) trace that shows an endotherm with an onset temperature from 135-138 °C.